



The Honorable Elaine Duke  
Secretary of Homeland Security  
Washington, D.C. 20528

July 31st, 2017

Dear Honorable Elaine Duke,

I write you on behalf of the Venezuelan American National Bar Association (VENAMBAR), a voluntary bar association aimed at aligning and attending the needs of legal professionals in the United States with an interest in Venezuelan issues. Our association aims to create a bridge between Venezuelan, U.S. lawyers and the Venezuelan business community in the United States by serving as a platform for dialog among lawyers, bar associations, law students, members of the United States judiciary, and academia.

We respectfully request and urge you to designate Venezuela for Temporary Protected Status (TPS) under the program available pursuant to §244(b)(1) of the Immigration and Nationality Act (the "Act"), for a period of 18 months. This humanitarian request would allow eligible nationals of Venezuela (who are currently in the United States) to obtain lawful temporary U.S. immigration status,<sup>1</sup> during the designated period, consistent with the immigration laws of the United States, while they are prevented from returning safely to Venezuela due to the current chaos, social unrest, violent crime, pervasive food and medicine shortage, and a non-responsive government.

The current situation in Venezuela has become critically unstable across a variety of sectors. Most recently, on July 27th, 2017, the U.S. Department of State issued the following Travel Warning about Venezuela:

**The U.S. Department of State warns U.S. citizens against travel to Venezuela due to social unrest, violent crime, and pervasive food and medicine shortages.** This travel warning also informs U.S. citizens that on July 27, the Department ordered the departure of family members and authorized the voluntary departure of U.S. government employees from the U.S. Embassy in Caracas.

...

The political and security situation in Venezuela is unpredictable and can change quickly. Since April 2017, political rallies and demonstrations occur daily throughout the country, often with little notice. Disruptions to traffic and public transportation are common. Demonstrations typically elicit a strong

<sup>1</sup> TPS is a temporary benefit that does not lead to lawful permanent resident status or give any other immigration status.



police and security force response that includes the use of tear gas, pepper spray, water cannons and rubber bullets against participants, and occasionally devolve into looting and vandalism. Armed motorcycle gangs associated with the government frequently use violence to intimidate demonstrators. Clashes between these groups have resulted in serious injuries and over [90] deaths. U.S. citizens have reported being arrested, detained, and robbed while in close proximity to protests.

...  
**Violence and criminal activity – including homicide, armed robbery, kidnapping, and carjacking – pose significant and continuing security concerns.** Indiscriminate violent crime is endemic throughout the country and can occur anywhere at any time. There are reports of authorities (e.g., police, airport, immigration) and criminals posing as authorities participating in robbery and extortion. Drug traffickers and illegal armed groups are active in the Colombian border states of Zulia, Tachira, and Apure.

The situation goes beyond mere economic/political instability and increased criminal activity. Human rights violations have been widespread and have been documented in depth by the U.S. State Department in its “2016 Venezuela Human Rights Report”:

- Systematic politicized use of the judiciary to undermine legislative branch action and intimidate and selectively prosecute critics;
- Indiscriminate police action against civilians leading to widespread arbitrary detentions, unlawful deprivation of life and torture;
- Government curtailment of freedom of expression and of the press;
- Government blocking of media outlets and intimidation of privately owned television stations, other media outlets, and journalists, using threats, fines, property seizures, arrests, criminal investigations, and prosecutions; and
- NGOs, the media, and government agencies have reported extrajudicial killings by police and security forces; torture and other cruel, inhuman or degrading treatment; harsh and life-threatening prison conditions and lack of due process rights that contributed to widespread violence, riots, injuries, and deaths in prisons; inadequate juvenile detention centers; corruption and impunity in the police; arbitrary arrests and detentions; abuse of political prisoners; interference with privacy rights; lack of government respect for freedom of assembly; corruptions at all levels of government; threats against domestic NGOs; violence against women; employment discrimination based on political preference; and restrictions on workers’ rights of association.

Venezuelans in the United States who are prevented from returning safely to their country due to the social unrest and oppression currently undertaken by the Nicolas Maduro



regime will greatly benefit from temporary protected status. Unless Venezuela is designated for TPS, the negative impact on those Venezuelan nationals who have fallen or will be falling out of legal status (due to their fear to return to a country that is struggling with a totalitarian and socialist regime, social unrest, violent crime, pervasive food and medicine shortages) will be tremendous. Venezuelans across our country make vital contributions to our economy, including key occupations such as management, business, science, and arts among a variety of industries. Therefore, it is in the U.S. national interest to have Venezuela designated for TPS.

The Venezuelan diaspora has enriched and strengthened our country in immeasurable ways. It is our moral imperative as Americans to stand with those in need and those who oppose communist, authoritarian and socialist governments. Temporary Protected Status exists to provide a safe haven for those who are reluctant to return to potentially dangerous situations, and to assist nations who are under extraordinary and temporary conditions and face difficulties in receiving their nationals safely.

Honorable Elaine Duke, we respectfully request and urge you to designate Venezuela for Temporary Protected Status pursuant to §244(b)(1) of the Immigration and Nationality Act. The Secretary of Homeland Security has the discretionary authority to designate Venezuela for TPS, which will permit those eligible Venezuelan nationals to *temporarily* remain here in the U.S. legally, to work legally, and to continue to help strengthen the U.S. economy and democracy.

On behalf of VENAMBAR, I would be glad to meet with the members of your Administration to discuss in person the enclosed Temporary Protected Status petition. Thank you for your time and consideration of this matter.

Very respectfully,

Adriana Kostenicki, Esq.

President

Venezuelan American National Bar Association- VENAMBAR

cc. Board of Directors- VENAMBAR



## **Proposed Designation of Venezuela Under Temporary Protected Status Program**

**SUMMARY:** This proposal seeks to designate Venezuela for Temporary Protected Status (TPS) under the program available pursuant to §244(b)(1) of the Immigration and Nationality Act (the "Act") for a period of 18 months. Under §244(b)(1) of the Act, the Secretary of Homeland Security, after consultation with appropriate U.S. Government agencies, is authorized to designate a foreign state (or part thereof) for TPS if the Secretary of Homeland Security finds that such country is experiencing ongoing armed conflict, environmental disaster, or other extraordinary and temporary conditions.

**EFFECTIVE DATES:** This designation is sought to be effective for a total of 18 months from the date of designation.

### **What Is Temporary Protected Status?**

TPS is a temporary immigration status granted to eligible nationals of designated countries or part of a designated country. During the period for which the Secretary of Homeland Security has designated a country under the TPS program, TPS beneficiaries are not required to leave the United States and may obtain work authorization. The granting of TPS does not lead to permanent resident status or U.S. citizenship. When the Secretary of Homeland Security terminates a country's TPS designation, beneficiaries return to the same immigration status they maintained before TPS (unless that status had since expired or been terminated) or to any other status they may have been granted while registered for TPS.

### **Which countries have previously been designated for TPS Status?**

In previous years, the U.S. Government has designated nationals of various countries for TPS status. The following chart provides the list of countries that currently benefit from TPS status and the reasons for having been granted TPS.



Designated Country	REASON
El Salvador	Earthquake in 2001
Guinea	Ebola virus outbreak in West Africa
Haiti	Earthquake in 2010
Honduras	Hurricane Mitch in 1998
Liberia	Civil War
Hepal	Earthquake in 2015
Nicaragua	Hurricane Mitch in 1998
Sierra Leone	Ebola virus outbreak in West Africa
Senegal	Civil Conflict
Sudan	Civil Conflict
South Sudan	Civil Conflict
Syria	Civil War
Yemen	Civil War

Source: U.S. Citizenship & Immigration Services

### Why Venezuela Should be Designated for the TPS Program?

The current situation in Venezuela has become critically unstable across a variety of sectors. For the reasons stated herein, the U.S. Secretary of State and/or the Secretary of Homeland Security should request that Venezuelans be granted TPS status to those individuals currently in the United States who are unable to safely return to home as a result of the current crisis.

During the 1970s, Venezuela was the richest country in Latin America. With the region's highest growth rates and the lowest levels of inequality, it was also one of the most stable democracies in the Americas. The country's current situation is completely different now. In May of 2016, it was reported that 75% of Venezuelans lived in poverty, a stunning increase from the 25% rate two years prior.<sup>i</sup> In February 2017, the national poverty level rose to 81%.<sup>ii</sup>

In a recent video published by TV Venezuela, the following was reported:

There is hunger, extreme poverty, delinquency, shortage of supplies, disease, corruption, unrest, repression, death, dictatorship. Since Hugo Chavez took office, Venezuela has been in a progressively declining spiral, politically, socially, and economically. About 3 million Venezuelans have left the country in search of a better future. There are about 700,000 Venezuelan immigrants in the United States alone. Accusations of corruption, drug trafficking, and crimes against humanity abound against the Venezuelan regime that has blatantly defied international bodies such as the UN and the OAS... The Venezuelan regime has cut off all channels of communication to deliberately make it difficult, even for its own citizens to be informed of what is going on... Most media outlets have been censored and some international news outlets such as CNN and NTN24 have been banned...<sup>iii</sup>



The United Nations, the Organization of American States, Human Rights Watch, the United States government, including high ranking members of the Trump administration, foreign governments, international media, and numerous other institutions have condemned the recent acts taking place in Venezuela.<sup>iv</sup> The most recent Country Report published by the U.S. Department of State provides an in-depth look at the country's current situation as summarized below:

- **Demonstrations:** Political marches and demonstrations are frequent in all areas of Venezuela, including major cities and tourist destinations.
- **Crime:** Violent crime is pervasive throughout Venezuela... Corruption within police forces is a concern. Individuals wearing uniforms purporting to be police officers or National Guard members have committed robberies and other crimes. Criminal gangs operate openly and with little repercussion, often setting up fake police checkpoints. Armed robberies take place throughout the country, including tourist areas. Heavily armed criminals have used grenades and assault rifles to commit crimes at banks, shopping malls, public transportation stations and universities. Only a very small percentage of crimes result in trials and convictions.
- **Homicides:** According to the NGO Venezuelan Violence Observatory, there were 28,479 homicides in Venezuela in 2016, amounting to a rate of 91.8 homicides per 100,000 inhabitants, among the highest in the world. In Caracas, the homicide rate is even higher at 140 homicides per 100,000 inhabitants. Most murders are never solved.
- **Medical Services:** There is a nationwide shortage of medicine and medical supplies. Medical care at private hospitals and clinics in Caracas and other major cities is adequate. However, public (government-funded) hospitals and clinics generally provide a lower level of care, and basic supplies at public facilities are in short supply or unavailable. Doctors and hospitals require cash payment in advance. Patients who cannot provide advance payment may be referred to a public hospital for treatment. Public ambulance service is unreliable.<sup>v</sup>
- **Kidnappings:** Kidnappings are a serious problem and include express kidnappings, virtual kidnappings, and inside kidnappings.
- **Drugs:** There is an active narcotics trade in Venezuela. U.S. citizens have been actively recruited to act as narcotics couriers. U.S. citizens arrested at the airport with narcotics in their possession can expect to serve extended jail terms in Venezuela under extremely difficult prison conditions.

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On May 19th, 2017, similar to the U.S. government's warning, Canadian authorities announced the following caution:

Global Affairs Canada advises against non-essential travel to Venezuela due to the significant level of violent crime, the unstable political and economic situations, and the decline in basic living conditions, including shortages of medication, food staples, and water, in the country. A nationwide state of exception (state of emergency) has been in effect since January 15th, 2016.<sup>vii</sup>

The situation goes beyond mere economic/political instability and increased criminal activity. Human rights violations have been widespread and have been documented in depth by the U.S. State Department in its "2016 Venezuela Human Rights Report":



- Systematic politicized use of the judiciary to undermine legislative branch action and intimidate and selectively prosecute critics.
- Indiscriminate police action against civilians leading to widespread arbitrary detentions, unlawful deprivation of life and torture.
- Government curtailment of freedom of expression and of the press.
- Government blocking of media outlets and intimidation of privately owned television stations, other media outlets, and journalists, using threats, fines, property seizures, arrests, criminal investigations, and prosecutions.
- NGOs, the media, and government agencies have reported extrajudicial killings by police and security forces; torture and other cruel, inhuman or degrading treatment; harsh and life-threatening prison conditions and lack of due process rights that contributed to widespread violence, riots, injuries, and deaths in prisons; inadequate juvenile detention centers; corruption and impunity in the police; arbitrary arrests and detentions; abuse of political prisoners; interference with privacy rights; lack of government respect for freedom of assembly; corruptions at all levels of government; threats against domestic NGOs; violence against women; employment discrimination based on political preference; and restrictions on workers' rights of association.<sup>viii</sup>

According to a Human Rights Watch report published in October 2016, severe shortages of essential medicines, including vaccines, and medical supplies, and in some cases complete absence, make it extremely difficult for many Venezuelans to obtain essential medical care. Shortages have become much worse over the past two years.<sup>ix</sup> Internal reports from the Venezuelan Health Ministry include rates of infant and maternal mortality in 2016 that are substantially higher than the rates reported in previous years due in large part to unhygienic/unsanitary conditions and medical shortages in hospital delivery wards.<sup>x</sup>

Additionally, severe shortages of food and other goods make difficult for many people to obtain adequate nutrition and cover their families' basic needs. Foodstuffs are virtually unavailable for those in lower or middle-income families who rely on items subject to government-set maximum prices; many Venezuelans can only afford food subject to price controls which are now in short supply. Long lines at supermarkets are not unusual and very often supplies run out long before everyone in the line has been served. Basic goods such as diapers, toothpaste, and toilet paper are in short supply and often unavailable. As a result, the medical community has observed signs and symptoms of malnutrition, particularly in children.<sup>xi</sup> It has also been reported that around 9.6 million Venezuelans are eating two or fewer meals per day and 74.3% of the population lost an average of 19 pounds of weight.<sup>xii</sup>

Perhaps the worst aspect of the predicament faced by the people of Venezuela is the government's response to the shortages. The government has repeatedly denied that it is facing a crisis and its initiatives have failed to lessen the severity of the situation. Efforts by the





opposition-led National Assembly to seek international assistance have been blocked and restrictive policies make it difficult for relief agencies and NGOs to operate in Venezuela. Critics have been threatened and the government has also threatened to cut off the international funding from human rights organizations. To make matters worse, the government has responded to planned marches and spontaneous demonstrations by ordinary Venezuelans with beatings, detention, and prohibitions on protest activities.<sup>xiii</sup>

In May 2016, Dr. Moises Naim, former Minister of Trade and Industry and former director of Venezuela's Central Bank, a prolific author and renowned authority on international economic affairs, offered a succinct summary of the situation in Venezuela in an article published in *The Atlantic*:

In the last two years, Venezuela has experienced the kind of implosion that hardly ever occurs in a middle-income country like it outside of war. Mortality rates are skyrocketing; one public service after another is collapsing; triple-digit inflation has left more than 70% of the population in poverty; an unmanageable crime wage keeps people locked indoors at night; shoppers have to stand in line for hours to buy food; babies die in large numbers for lack of simple, inexpensive medicines and equipment in hospitals, as do the elderly and those suffering from chronic illnesses... The Venezuelan government can no longer afford to provide even rudimentary law and order, making Caracas, the capital, by some calculations, one of the most murderous cities in the world. Drug traffickers run large sections of the countryside. Prison gang leaders keep military-style weapons on hand, and while grenade attacks still make the news, they are nothing new... The breakdown of law and order is so severe that even children are being robbed... School food programs have simply stopped working, because the government apparently can't keep them supplied... the reality today is that a generation of underprivileged kids is being denied an education through straightforward hunger... In the midst of all this, Venezuela is facing one of the worst Zika outbreaks in South America, and it's an epidemic the country can hardly measure, much less respond to. Venezuelan cities' water infrastructure is crumbling after nearly two decades of neglect... Neighborhoods and shantytowns can go for days and even weeks with no piped water... The same drought that is forcing water rationing has seen water levels at the country's electricity-generating dams fall alarmingly. Blackouts are... nationwide, as the public utilities struggle to keep enough water in the reservoirs to prevent a complete collapse in the power grid.<sup>xiv</sup>

In the year since Dr. Naim's article was published, the living conditions of Venezuelans have spiraled out of control. For over two months, middle class Venezuelans and students have led anti-government protests and demonstrations. As a result of those protests, approximately 62 people, including young students and a judge, have been killed.<sup>xv</sup> Over 700 people have been



injured, over 2,200 people have been detained, and 161 have been unlawfully imprisoned by military tribunals.<sup>xvi</sup> The situation is most likely going to get worse as the problems are pervasive to the country as a whole. As reported by *The Washington Post* on June 2nd, "Venezuela is on the brink of civil war," the country's economy has collapsed, the people are starving and desperate, there is ongoing violence, and the government has no control over the country's situation.<sup>xvii</sup>

The New York Times reports that "Venezuela, by the numbers, resembles a country hit by civil war."<sup>xviii</sup> In its report, it highlights comments by scholars of how "[t]he political system, after years of erosion, has become a hybrid of democratic and authoritarian features — a highly unstable mix." More recently, the daily popular and student protests and civil unrest and rebellion against the Venezuelan government show popular desperation met with state-sponsored brutality. The regime's security forces (the National Guard and the National Police) have restricted access to Caracas ahead of every march. On a daily basis, the Venezuelan government deploys its security forces to bully and repel women, children, and elderly protesters with tear gas, pepper spray, high-pressure water cannons, and even live fire by snipers. They have incited pro-government counter-protests and armed gangs — *colectivos* -- to attack the peaceful pro-democracy protesters, in violation of a basic human right. Since the beginning of these protests and civil unrest, over 1400 peaceful demonstrators have been arrested, at least half them are still being detained, and subjected, more often than not, to torture in the autocratic government's dungeons. More worrisome is the fact that to the date of this proposal, the brutal repression by the Venezuelan government has left nearly 70 people dead, and hundreds of people injured.

The crisis throughout the country has affected all economic and social classes, from the wealthy upper class to the poorest sectors of society. In May of this year, President Maduro announced that he would now call a National Constituent Assembly - which overrides the will of the Venezuelan people and further erodes Venezuelan democracy. It comes on the heels of efforts by the Venezuelan Government to prevent elections from taking place and to usurp the authority of the Venezuelan national assembly. The United States has deplored, on multiple occasions, the Venezuelan government's increasing authoritarianism, and the convocation of a National Constituent Assembly designed to undermine Venezuela's democratic institutions and has called on the Government of Venezuela to abandon said process which only seeks to undermine democracy in Venezuela. Essentially, there has been a complete collapse and breakdown of living conditions and basic human rights which prevent the Venezuelan people from being employed and making a living; enjoying basic freedoms of speech, assembly, religion and other constitutional protections; obtaining adequate medical care and basic utilities including water and electricity service; receiving a basic education and attending to the needs of infants and children; living in relative safety and without fear of government reprisals and excessive use of military forces; among others.



**Conclusion:**

We respectfully request to the Secretary of Homeland Security to find that, under §244 of the Immigration and Nationality Act, as amended (8 U.S.C. 1254a), and after consultation with the appropriate agencies of the Government:

- (1) Venezuela is enduring a significant period of unrest across a variety of sectors resulting in a substantial, but temporary, disruption of living conditions in Venezuela;
- (2) Venezuela is unable, temporarily, to handle adequately the return of its nationals; and
- (3) Permitting nationals of Venezuela (and aliens having no nationality who last habitually resided in Venezuela) to remain temporarily in the United States is not contrary to the national interest of the United States.

The undersigned estimate that there are no more than 150,000 nationals of Venezuela (and aliens having no nationality who last habitually resided in Venezuela) in the United States who are eligible for TPS.

Accordingly, pursuant to 8 U.S.C. 1254a(b)(1)(B)(iii), we hereby submit a formal request as follows:

- (1) That Venezuela is designated for TPS under §244(b)(1)(B) of the Act. Nationals of Venezuela (and aliens having no nationality who last habitually resided in Venezuela) may apply for TPS within the registration period as it may be determined by the Department of Homeland Security.
- (2) That applications for TPS by nationals of Venezuela (and aliens having no nationality who last habitually resided in Venezuela) are allowed to be filed pursuant to the provisions of 8 CFR §244.
- (3) That pursuant to §244(b)(3)(A) of the Act, and after consultation with appropriate agencies of the Government, the Secretary of Homeland Security reviews, at least 60 days before the proposed expiration of the initial period of designation on the conditions in Venezuela to determine whether the conditions for designation of Venezuela under the TPS program continue to be met.

For the reasons outlined above, it is respectfully requested that the U.S. government consider granting Temporary Protected Status to the Venezuelan community currently in the United States. This humanitarian request is made to allow the people of Venezuela, who have escaped



their country fleeing anarchy, oppression, chaos, social unrest, violent crime, pervasive food and medicine shortage, and a non-responsive government, to obtain lawful temporary U.S. immigration status consistent with the immigration laws of the United States without fear of having to return to their country of nationality.

Very respectfully,



**The Venezuelan American National Bar Association (VENAMBAR)**

*For inquiries please contact:*

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[venambar@gmail.com](mailto:venambar@gmail.com)

Adriana Kostencki, Esq.  
President  
Venezuelan American National Bar Association

Lea A. Salama DiMitri, Esq.  
Board Member  
Venezuelan American National Bar Association



- <sup>i</sup> <http://www.breitbart.com/national-security/2016/05/17/crisis-venezuela-hitting-apocalyptic-levels/> (last visited on May 29th, 2017).
- <sup>ii</sup> <http://www.cnn.com/2017/02/20/venezuelas-crisis-cause-its-people-to-cut-meals-and-lose-weight.html> (last visited on May 29th, 2017).
- <sup>iii</sup> TV Venezuela Video Report, May 2017.
- <sup>iv</sup> Press Release: "Message from OAS Secretary General on Venezuela," May 20th, 2017; "Venezuela: UN Human Rights Chief Regrets Opposition Leader Being Blocked to Travel," May 19th, 2017; Press Release: "Message from OAS Secretary General on Venezuela," May 16th, 2017; "U.S. Sanctions Venezuelan Supreme Court Judges Over National Assembly Power Grab," *Miami Herald*, May 18th, 2017; "UN Chief Urges Venezuela to Restore Dialogue With Opposition," *UN Multimedia*, April 20th, 2017; "Venezuelan Supreme Court Decision Greatly Undermines Democratic Institutions," Human Rights Watch, March 30th, 2017; "Venezuela is a Ticking Time Bomb," *The Heritage Foundation*, February 22nd, 2017.
- <sup>v</sup> <https://travel.state.gov/content/passports/en/country/venezuela.html> (last visited on May 30th, 2017).
- <sup>vi</sup> <https://travel.state.gov/content/passports/en/alertswarnings/venezuela-travel-warning.html> (last visited on July 27th, 2017).
- <sup>vii</sup> <https://travel.gc.ca/destinations-print/venezuela> (last visited on May 30th, 2017).
- <sup>viii</sup> <https://www.state.gov/documents/organization/265834.pdf> (last visited on May 30th, 2017).
- <sup>ix</sup> [https://www.hrw.org/sites/default/files/report\\_pdf/venezuela1016\\_brochure\\_web\\_0.pdf](https://www.hrw.org/sites/default/files/report_pdf/venezuela1016_brochure_web_0.pdf) (last visited on May 30th, 2017).
- <sup>x</sup> In May 2017, the Venezuelan government released statistics which revealed that infant mortality rates increased 30%, maternal mortality rates shot up 65% and cases of malaria jumped 76% in the previous year. <https://www.usnews.com/news/world/articles/2017-05-09/venezuela-releases-2016-health-data-showing-soaring-infant-mortality-and-malaria> (last visited on May 29th, 2017).
- <sup>xi</sup> [https://www.hrw.org/sites/default/files/report\\_pdf/venezuela1016\\_brochure\\_web\\_0.pdf](https://www.hrw.org/sites/default/files/report_pdf/venezuela1016_brochure_web_0.pdf) (last visited on May 30th, 2017).
- <sup>xii</sup> <http://www.cnn.com/2017/02/20/venezuelas-crisis-cause-its-people-to-cut-meals-and-lose-weight.html> (last visited on May 30th, 2017).
- <sup>xiii</sup> [https://www.hrw.org/sites/default/files/report\\_pdf/venezuela1016\\_brochure\\_web\\_0.pdf](https://www.hrw.org/sites/default/files/report_pdf/venezuela1016_brochure_web_0.pdf) (last visited on May 29th, 2017).
- <sup>xiv</sup> <https://www.theatlantic.com/international/archive/2016/05/venezuela-is-falling-apart/481755/> (last visited on May 29th, 2017).
- <sup>xv</sup> <http://www.reuters.com/article/us-venezuela-politics-idUSKCN18CIUN> (last visited on May 29th, 2017). <http://time.com/4802698/venezuela-nicolas-maduro-referendum/> (last visited on June 4th, 2017), reporting the latest figures on the death toll and the murder of Judge Nelson Moncada who was shot several times and robbed of his belongings as he approached a street barricade.
- <sup>xvi</sup> <http://www.telegraph.co.uk/news/2017/05/21/venezuela-protests-200000-march-against-president-maduro-riots/> (last visited on May 29th, 2017) and <http://www.elnuevoherald.com/noticias/sur-de-la-florida/article149518614.html> (last visited on June 7th, 2017).
- <sup>xvii</sup> [https://www.washingtonpost.com/news/wonk/wp/2017/06/02/venezuelas-descent-into-anarchy-is-only-beginning/?utm\\_term=.3f171cb1c4d9](https://www.washingtonpost.com/news/wonk/wp/2017/06/02/venezuelas-descent-into-anarchy-is-only-beginning/?utm_term=.3f171cb1c4d9) (last visited on June 4th, 2017).
- <sup>xviii</sup> "How Venezuela Stumbled to the Brink of Collapse," *New York Times* (May 14, 2017) available at [https://www.nytimes.com/2017/05/14/world/americas/venezuela-collapse-analysis-interpret.html?\\_r=0](https://www.nytimes.com/2017/05/14/world/americas/venezuela-collapse-analysis-interpret.html?_r=0)



U.S. Citizenship  
and Immigration  
Services

OCT 19 2017

Adriana Kostencki, Esq.  
President  
Venezuelan American National Bar Association  
1450 Brickell Avenue, Suite 1900  
Miami, FL 33131

Dear Ms. Kostencki:

Thank you for your July 31, 2017 letter. Acting Secretary Duke asked that I respond on her behalf.

I appreciate your concern for the situation in Venezuela and your interest in its designation for Temporary Protected Status (TPS). The discretionary authority to designate a country for TPS is based upon specific criteria and is vested in the Secretary of Homeland Security. U.S. Citizenship and Immigration Services (USCIS) is the Department of Homeland Security Component principally responsible for advising the Secretary on TPS issues and implementing the program.

To designate a country for TPS, the Secretary must find, after consultation with appropriate government agencies, one or more of the following: (1) there is an ongoing armed conflict within the country that would pose a serious threat to the personal safety of the country's nationals if they were returned; (2) there has been an environmental disaster resulting in a substantial, but temporary, disruption of the living conditions in the area affected, the country is temporarily unable to handle adequately the return of its nationals, and the country has officially requested TPS designation; or (3) there exist extraordinary and temporary conditions in the country that prevent nationals from returning safely, and the Secretary does not find that permitting the country's nationals to remain temporarily in the United States would be contrary to the national interest of the United States. *See* Immigration and Nationality Act § 244(b)(1) (8 U.S.C. § 1254a(b)(1)).

USCIS understands your concern for the situation in Venezuela, and is continuing to monitor the current conditions in the country. USCIS also has humanitarian programs and relief measures that are available to eligible Venezuelans outside of any consideration for designation of TPS. Other immigration relief measures that may be of assistance to Venezuelan nationals affected by the current conditions in Venezuela may be found at:  
[www.uscis.gov/humanitarian/special-situations](http://www.uscis.gov/humanitarian/special-situations).

Adriana Kostencki, Esq.

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Thank you again for your letter and interest in this important issue. Should you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Francis Cissna". The signature is stylized with a large "L" and a cursive "Francis".

L. Francis Cissna  
Director